APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,266	07/14/2003	Jianming Dong	AUS919990812US2	7059

35525 7590 11/21/2007	EXAMINER
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380	TAN, ALVIN H

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
11/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2007*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 20-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 20-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   Claims 1-7 and 20-32 have been examined and rejected. This Office action is

responsive to the amendment filed on 9/12/07, which has been entered in the above

identified application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-4, 6, 20-23, 25, and 27-31 have been rejected under 35 U.S.C. 102(e)

as being anticipated by Mayaud (U.S. Patent No. 7,072,840 B1).

Claims 1-4, 6 (Graphical User Interface)

Claims 20-23, 25 (Method)

Claims 27-31 (Computer Program Product)

3-1.   Regarding claims 1, 20, and 27, Mayaud teaches the claim comprising a first

graphical user interface area containing a plurality of lists of items, by disclosing a data

management system useful in the production of product specification documents that

require detailed product and history information from multiple extensive information

sources *[column 1, lines 15-27]*. A graphical user interface area contains multiple lists of

items such as problems 50, allergies 52, currently active problems 51 *[column 19, lines

42-47]*, a list of previous prescriptions *[column 20, lines 4-10]*, and a list of prescription

details *[column 20, lines 15-20]*, as shown in *[figure 3]*. Additionally, the first graphical

user interface area may be the multiple lists of system-provided problems or allergies

displayed using problem or allergy buttons 50 or 52 *[column 19, lines 55-58]* or the

multiple lists used when selecting a drug for a particular condition *[column 26, lines 11-

15]*.

Mayaud teaches a second graphical user interface area containing a plurality of

participants, by disclosing a patient selection screen shown in *[figure 2]*.

Mayaud teaches means for corresponding a selected list to a respective one of

the plurality of participants wherein the selected list is the one of the plurality of lists

selected by the respective one of the plurality of participants, by disclosing that when a

patient is selected, the lists of information corresponding to that patient will be displayed

[column 19, line 29 to column 20, line 58]. The lists are made by selection from a user

[column 20, lines 59-63; column 26, lines 12-15]. Additionally, the lists displayed when

selecting a drug for a particular condition correspond to the participant that was selected

[column 34, lines 17-33].

3-2.   Regarding claims 2, 21, and 28, Mayaud teaches the claim with respect to claim
1, further comprising means for corresponding groupings of the plurality of lists to a
respective one of the plurality of participants, by disclosing that the groups of lists
shown in *[figure 3]* correspond to the participant that was selected *[column 19, line 29 to
column 20, line 58]*.

3-3.   Regarding claims 3, 22, and 29, Mayaud teaches the claim with respect to claim
1, wherein the means for corresponding comprises an array of third graphical user
interface areas in which the items within each list may be displayed in accordance with
a selection made by a respective one of the plurality of participants, by disclosing that
the lists are made by selection from a user *[column 20, lines 59-63; column 26, lines 12-
15; column 34, lines 45-51]*. Selections for problems and allergies are displayed in area
50 and 52 and selections for conditions and drugs are displayed in areas 86 and 88 of
[figure 3].

3-4.   Regarding claims 4, 23, and 29, Mayaud teaches the claim with respect to claim
1, wherein the lists of items contained in the first graphical user interface area
corresponds to a highlighted participant in the second graphical user interface area, by
disclosing that a selected participant is highlighted from the patient selection screen
[column 17, lines 15-22; figure 2]. When a patient is selected, lists of information
corresponding to that patient will be displayed *[column 19, line 29 to column 20, line 58]*.

3-5.   Regarding claims 6, 25, and 31, Mayaud teaches the claim with respect to claim

1, wherein the first graphical user interface area allows entry, display of, and direct

manipulation of the items in the plurality of lists, by disclosing that the user can edit the

items within the lists shown in *[figure 3; column 20, lines 59-63; column 26, lines 12-15]*.

Additionally, the user can edit the items within the condition list as shown in *[figure 4;*

column 34, lines 17 to column 35, line 10].

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mayaud (U.S. Patent No. 7,072,840 B1) and Examiner's statement of Official Notice.

5-1.   Regarding claims 5 and 24, Mayaud teaches the claim with respect to claims 1

and 20, respectively. Although Mayaud teaches that the graphical user interface may

include scroll bars *[column 7, lines 57-65]*, Mayaud does not expressly teach wherein

the participants are arranged in a scrollable list in the second graphical user interface

area. However, Examiner takes Official Notice that scroll bars are commonly used in a

graphical user interface to allow the user to view information that cannot be completely

displayed. Since Mayaud teaches a list of selectable participants of which the user may

add any number of participants *[column 17, lines 15-22; figure 2]*, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to include

the use of scroll bars with the list of participants, since Examiner takes Official Notice

that scroll bars are commonly used to allow the user to view information that cannot be

completely displayed.

6.   Claims 7, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mayaud (U.S. Patent No. 7,072,840 B1) and Camarda et al (U.S. Patent No.

6,587,829 B1).

6-1.   Regarding claims 7, 26, and 32, Mayaud teaches the claim with respect to claims

1, 20, and 27, respectively. Although Mayaud teaches using patient data for analysis

such as drug-prescribed and condition-treated data records from participants to

compare a collection of similar reports with data on a pool of similarly treated patients

for significance, in order to determine adverse outcomes of new drugs to treatment of a

specified condition or conditions *[column 24, lines 4-9]*, Mayaud does not expressly

teach wherein the means for corresponding comprises a third graphical user interface

area having sections and entries into the sections of the third graphical user interface

area used to calculate similarity and distance matrices for cluster analysis purposes.

Camarda teaches a method for improving patients' compliance with prescriptions for

medication they are given *[column 1, lines 10-13]*. Based on information available upon

filling of a prescription, a type of intervention is predicted which will be most effective at

getting patients to follow their prescriptions. Patient information including pharmacy

information, demographic information, and medical records of diagnoses and treatment,

among others are used for cluster analysis to determine appropriate messages to send

out *[column 3, lines 4-31]*. This would allow for a prediction of the patient's behavior to

assure compliance with medication prescriptions *[column 2, lines 34-46]*. Since Mayaud

teaches providing pharmacy information *[column 20, lines 11-20; figure 3]*, demographic

information *[figure 2]*, and medical records of diagnoses and treatments of patients

[column 20, lines 4-10], it would have been obvious to one of ordinary skill in the art at

the time the invention was made, to use the information for cluster analysis purposes,

as taught by Camarda. This would allow for a prediction of the patient's behavior to

assure compliance with medication prescriptions.

Response to Arguments

7.   The Examiner acknowledges the Applicant's amendments to claims 1, 3-7, 20,

22-27, and 29-32. Applicant's amendments to independent claims 1, 20, and 27 change

the scope of the claims and thus, a new ground of rejection have been made.

Independent claims 1, 20, and 27 are now rejected under 35 U.S.C. 102(e) as being

unpatentable over Mayaud (U.S. Patent No. 7,072,840 B1). See section 3-1. Applicant's

arguments with respect to claims 1, 20, and 27 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

8.   The prior art made of record on attached form PTO-892 and not relied upon is

considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R §

111(c) to consider these references fully when responding to this action. The

documents cited therein teach similar systems for data entry of cluster analysis.

9.   It should be noted that the examiner originally assigned to this case has been

changed.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin H. Tan whose telephone number is 571-272-8595. The examiner can normally be reached on Mon-Fri 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT
Assistant Examiner
Art Unit 2173

TADESSE HAILU
PRIMARY EXAMINER